

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

SEAN SMITH and CRYSTAL SMITH, )  
                                       )  
Plaintiffs,                         )  
                                       )  
v.                                     ) Case No.: CIV-17-1302-D  
                                       )  
CSAA FIRE AND CASUALTY         )  
INSURANCE COMPANY,             )  
                                       )  
Defendant.                         )

**DEFENDANT'S OBJECTIONS TO PLAINTIFFS' FINAL WITNESS LIST**

Pursuant to this Court's Scheduling Order, the Defendant, CSAA Fire and Casualty Insurance Company ("CSAA"), submits the following Objections to Plaintiffs' Final Witness List:

1. CSAA objects to the listing by Plaintiffs of CSAA's experts, Cindi Miles, David Battle, and Steven Ford, if it is Plaintiffs' intention to call CSAA's experts in Plaintiffs' Case in Chief. Plaintiffs have not endorsed any experts to testify in Plaintiffs' Case in Chief, and CSAA strenuously opposes any effort by Plaintiffs to call CSAA's experts during Plaintiffs' Case in Chief.

2. CSAA objects to witnesses Barbara Fox, John Fox, and Donna Iser for the reason they have no personal knowledge or information relevant to the issues or claims in the present lawsuit. These witnesses were/are plaintiffs in other lawsuits filed by the same attorneys representing Plaintiffs in the present case, and apparently had criticism in their own lawsuits of Rimkus, the engineering firm used by the insurance companies (Farmers Insurance

Company and Countrywide Insurance Company) in their own lawsuits. Rimkus is also the structural engineering firm that was hired by CSAA, presuit, to inspect Plaintiffs' home in connection with Plaintiffs' earthquake claim. In short, CSAA objects to the testimony of these witnesses on grounds of relevance.

3. CSAA objects to witness, Sean Wiley, as a rebuttal expert witness because CSAA has withdrawn David Battle as an expert. Without the expert testimony of David Battle during CSAA's Case in Chief, the rebuttal testimony of Sean Wiley is unnecessary and improper.

Respectfully submitted,

s/ Gerard F. Pignato

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**ATTORNEYS FOR DEFENDANT, CSAA  
FIRE AND CASUALTY INSURANCE  
COMPANY**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Steven S. Mansell, Esquire  
Mark A. Engel, Esquire  
Kenneth G. Cole, Esquire  
M. Adam Engel, Esquire

Gerard F. Pignato  
For the Firm